

In re Patent Application of:
PAVEL SEBOR
Serial No. **10/621,070**
Filing Date: **7/16/2003**

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts and guidance in the examination of this examination, for the Allowance of Claims 1-37, and the allowability of Claim 51. Claims 1-38 and 41-54 remain in the case. Claims 39 and 40 are cancelled by this amendment. The above amendments and following arguments are submitted in response to the Examiner's Office Action of January 21, 2005, Paper No/Mail Date 01192005, the Telephone Interview of February 24, 2005, and the Examiner's Advisory Action of March 17, 2005, Paper No. 03142005.

Objections made to Claims 1, 2, 19, 20, 22, 24, 25, 27-29, 38-40, 44, 45, 50, and 52 have been overcome by amendments as guided by the Examiner, and as indicated in the above referenced Advisory Action. Claims 38-43, 46-50, and 52-54 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 6,122,794 to Atkins. Claims 38-45, 48, and 52-54 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,465,443 to Rice et al. With regard to the rejection, reconsideration is respectfully requested based on the amendments herein presented in support of the claims remaining in the case. No new matter is added by this amendment.

As discussed in the Telephone Interview with the Examiner, neither Atkins '794 nor Rice '443 identically discloses the claimed invention of Claim 38. To emphasize the distinction, Claim 38 is amended to positively recite a reinforcing element formed with

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each of the plurality of tongues for upwardly lifting an outer most periphery of the plate from the surface to be cleaned. Further, and as supported by the specification as originally filed, the reinforcing element is confined within the peripheral portion of the flexible plate so as not to extend outwardly beyond the outer most periphery. Original Claim 40 calling for the "reinforcing element" feature is now cancelled.

With reference to Col 3, Lines 6-8 of Atkins '794, the disc (2) is described as having a serrated edge (15) and short upstanding and outwardly projecting fins (16) that intend from the apices of the serrations. Atkins '794 clearly teaches the peripheral edge of the disk contacting the surface to be cleaned in operation, with the fins (16) being relied upon (see cross-sectional view of FIG. 2, by way of example) to slide over obstacles encountered during movement of the pool cleaner over the surface to be cleaned. Such is also the teaching of Rice '443 having disc (104) and fins (136) illustrated, by way of example with reference to FIG. 9. Both Atkins '794 and Rice '443 teach fins extending beyond the periphery of the disk, as emphasized in Atkins '794 by calling for the fins to extend for apices of the serrations (see Col 3, Line 7).

By way of further argument, and as identified in Claim 41 depending from Claim 38, ribs are integrally formed with the flexible plate for upwardly contouring the periphery thereof from the surface to be cleaned with the rib extending outwardly while confined within the peripheral portion of the flexible plate. Yet further, Rice '443 teaches

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that the disc may additionally include fins (see Col 5, Line 5). The fins of Atkins '794 and Rice '443 are clearly elements added to the disk and one of skill in the art would not consider them as reinforcing elements formed with tongues or serrations.

Applicant respectfully submits that the claims now remaining in the case are in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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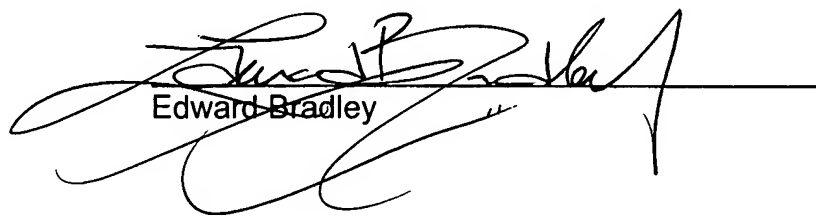
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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 24th day of March, 2005.


Edward Bradley